

ESTTA Tracking number: **ESTTA361928**

Filing date: **08/06/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	ELVH, Inc.
Granted to Date of previous extension	08/07/2010
Address	c/o Nigro 10100 Santa Monica Blvd. Suite 1300 Los Angeles, CA 90067 UNITED STATES

Attorney information	Jeffrey R. Cohen Millen White Zelano & Branigan 2200 Clarendon Blvd Suite 1400 Arlington, VA 22201 UNITED STATES docketing@mwzb.com,cohen@mwzb.com Phone:703 2436333
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### Applicant Information

Application No	77919644	Publication date	06/08/2010
Opposition Filing Date	08/06/2010	Opposition Period Ends	08/07/2010
Applicant	Kelly Van Halen #502 2934 1/2 Beverly Glen Circle Los Angeles, CA 90077 UNITED STATES		

### Goods/Services Affected by Opposition

Class 020. All goods and services in the class are opposed, namely: Armoires; Chairs; Dining tables; End tables; Entertainment centers; Pillows; Sofas; Tables; Upholstered furniture
Class 024. All goods and services in the class are opposed, namely: Bed blankets; Blanket throws; Children's blankets; Lap blankets
Class 025. All goods and services in the class are opposed, namely: Bathing suits; Blouses; Coats; Coverups; Dresses; Hats; Jackets; Jeans; Leggings; Lounge pants; Pajamas; Pants; Ponchos; Robes; Scarves; Shirts; Sweaters; Vests

### Applicant Information

Application No	77919645	Publication date	06/08/2010
Opposition Filing Date	08/06/2010	Opposition Period Ends	
Applicant	Kelly Van Halen		

	#502 2934 1/2 Beverly Glen Circle Los Angeles, CA 90077 UNITED STATES
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## Goods/Services Affected by Opposition

### Class 037.

All goods and services in the class are opposed, namely: Building construction; Construction management; Construction of environmentally responsible residential real property; Custom construction and building renovation; Housing services, namely, repair, improvement, and construction of residential real property; Installation and maintenance of solar thermal installations; Residential and building construction consulting

### Class 042.

All goods and services in the class are opposed, namely: Design of specialty interior and exterior environment settings; Interior design services; Interior design services including space planning, furniture selection, material and surface selection


## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2853393	Application Date	07/18/2002
Registration Date	06/15/2004	Foreign Priority Date	NONE
Word Mark	VAN HALEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1978/02/03 First Use In Commerce: 1978/02/03 Printed matter for publicity and promotional material, namely, posters; fold-out poster books; postcards; mounted and unmounted photographs and photographic prints; newsletters; stickers; calendars; decals and temporary tattoos; printed concert tickets; printed backstage passes; trading cards; books, trivia books, tour books, encyclopedias, comic books, picture books, magazines, all in the field of music and entertainment; tablature books; sheet music books; book covers		

U.S. Registration No.	2866540	Application Date	07/18/2002
Registration Date	07/27/2004	Foreign Priority Date	NONE
Word Mark	VAN HALEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1978/03/03 First Use In Commerce: 1978/03/03 Clothing namely, shorts; caps; hats; jerseys; blouses; shirts; tank-tops; T-shirts, namely long sleeve and short sleeve T-shirts; polo shirts; woven and knit shirts; thermal shirts; sweaters; jogging and warm-up suits; sweat shirts; sweat pants; sweat bands; headbands; bandanas; jeans; pants; ties; jackets; gloves; scarves; neckwear		

U.S. Registration No.	3701926	Application Date	10/12/2006
Registration Date	10/27/2009	Foreign Priority Date	NONE
Word Mark	VH VAN HALEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1978/03/01 First Use In Commerce: 1078/03/01 Musical sound recordings, musical video recordings</p> <p>Class 015. First use: First Use: 2007/06/01 First Use In Commerce: 2007/06/01 Musical instruments, musical instruments accessories, namely, guitar picks</p> <p>Class 016. First use: First Use: 2005/05/30 First Use In Commerce: 2005/05/30 Stickers; tablature books; sheet music books</p> <p>Class 025. First use: First Use: 2007/07/07 First Use In Commerce: 2007/07/07 Clothing, namely, caps; hats; T-shirts</p> <p>Class 041. First use: First Use: 2007/06/30 First Use In Commerce: 2007/06/30 Entertainment services, namely, live performances and appearances by a vocal and instrumental group, and live performances and appearances featuring prerecorded music by a vocal and instrumental group; fan club services; providing a website featuring entertainment information, namely, reviews, articles, interviews, music videos, music charts, personal biographies, diaries, information on music instruments, tour dates, games, trivia, access to memorabilia, photographs, video clips, and audio clips, all available via a global computer network</p>		

U.S. Registration No.	2868311	Application Date	12/04/2001
Registration Date	08/03/2004	Foreign Priority Date	NONE
Word Mark	VAN HALEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 041. First use: First Use: 1974/09/09 First Use In Commerce: 1978/03/03 Entertainment services, namely live performances and appearances, and live performances and appearances featuring prerecorded music by a vocal and instrumental group; fan club services; providing a website featuring entertainment information, namely reviews, articles, interviews, music videos, music charts, personal biographies, diaries, information on music instruments, tour dates, games, trivia, access to memorabilia, photographs, video clips, and</p>		

	audio clips, all available via a global computer network
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Attachments	77020189#TMSN.jpeg ( 1 page )( bytes ) class 20,24,25 TTAB filed opposition.pdf ( 23 pages )(973289 bytes ) class 37 &42 TTAB filed opposition.pdf ( 23 pages )(972369 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jrc/
Name	Jeffrey R. Cohen
Date	08/06/2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 77919644  
Published in the *Official Gazette* on June 8, 2010

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ELVH, Inc.	Application Serial No.: 77919644
Opposer,	Mark: KellyVanHalen
- against -	
Kelly Van Halen ,	
Applicant.	Publication Date: June 8, 2010

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NOTICE OF OPPOSITION

ELVH, Inc. ("Opposer"), the owner of the world famous Van Halen trademarks and opposes the grant of the application of Kelly Van Halen ("Applicant") to register the mark "KellyVanHalen" for:

IC 020: Armoires; Chairs; Dining tables; End tables; Entertainment centers; Pillows; Sofas; Tables; Upholstered furniture

IC 024: Bed blankets; Blanket throws; Children's blankets; Lap blankets

IC 025: Bathing suits; Blouses; Coats; Coverups; Dresses; Hats; Jackets; Jeans; Leggings; Lounge pants; Pajamas; Pants; Ponchos; Robes; Scarves; Shirts; Sweaters; Vests

COUNT ONE

1. Since 1978, Opposer has continuously used the mark Van Halen in interstate commerce for a wide variety of goods and services.
2. Opposer is the owner of the following federal trademark registrations<sup>1</sup>:

A) VAN HALEN for "printed matter for publicity and promotional material, namely, posters; fold-out poster books; postcards; mounted and unmounted photographs and photographic prints; newsletters; stickers; calendars; decals and temporary tattoos; printed concert tickets; printed backstage passes; trading cards; books, trivia books, tour books, encyclopedias, comic books, picture books, magazines, all in the field of

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<sup>1</sup> The attached exhibits are TARR printouts for all 4 registrations identified herein as well as the applicable assignment info for each one. The attached exhibits are therefore made of record.

backstage passes; trading cards; books, trivia books, tour books, encyclopedias, comic books, picture books, magazines, all in the field of music and entertainment; tablature books; sheet music books; book covers” in Int’l Class 16. Fed Reg. No. 2853393 registered on the Principal Register on June 15, 2004, with dates of use since February 3<sup>rd</sup> 1978, and

B) VAN HALEN for “clothing namely, shorts; caps; hats; jerseys; blouses; shirts; tank-tops; T-shirts, namely long sleeve and short sleeve T-shirts; polo shirts; woven and knit shirts; thermal shirts; sweaters; jogging and warm-up suits; sweat shirts; sweat pants; sweat bands; headbands; bandanas; jeans; pants; ties; jackets; gloves; scarves; neckwear” in Int’l Class 25. Fed. Reg No. 2866540 registered on the Principal Register on July 27, 2004 with dates of use since March 3<sup>rd</sup> 1978, and

C) VAN HALEN & Design for “musical sound recordings, musical video recordings” in Int’l Class 9 with dates of use since March 1, 1978; “musical instruments, musical instruments accessories, namely, guitar picks” in Int’l Class 15 with dates of use since June 1, 2007; “stickers; tablature books; sheet music books” in Int’l Class 16 with dates of use since May 30, 2005; “clothing, namely caps, hats, t-shirts in Int’l Class 25 with dates of use since July 7, 2007; “entertainment services, namely, live performances and appearances by a vocal and instrumental group, and live performances and appearances featuring prerecorded music by a vocal and instrumental group; fan club services; providing a website featuring entertainment information, namely, reviews, articles, interviews, music videos, music charts, personal biographies, diaries, information on music instruments, tour dates, games, trivia, access to memorabilia, photographs, video clips, and audio clips, all available via a global computer network” in Int’l Class 41 Fed Reg. No 3701926 with dates of use since June 30, 2007, and

D) VAN HALEN for “entertainment services, namely live performances and appearances, and live performances and appearances featuring prerecorded music by a vocal and instrumental group; fan club services; providing a website featuring entertainment information, namely reviews, articles, interviews, music videos, music charts, personal biographies, diaries, information on music instruments, tour dates, games, trivia, access to memorabilia, photographs, video clips, and audio clips, all available via a global computer network” in Int’l Class 41 Fed Reg No. 2868311 with dates of use since March 3, 1978.

3. Opposer and its licensees have used the trademarks and service marks in connection with the sale and provision of a variety of goods and services in United States commerce for many years.

4. As a result of the widespread use in interstate commerce by the Opposer and its licensees of the aforesaid VAN HALEN trademarks in connection

services which have their origin with or have been authorized by the Opposer.

5. Upon information and belief, Applicant has made no use or very limited use of the mark as a trademark in the United States.

6. Applicant's mark KellyVanHalen is confusingly similar to Opposer's Van Halen trademarks and service marks in sound, appearance and commercial impression.

7. Applicant's goods are related to the goods and Services sold and provided in connection with Opposer's KellyVanHalen trademarks and/or represent a natural zone of expansion for Opposer and such goods and Services would travel and/or be promoted through the same channels of trade for sale to, and use by, the same class of purchasers.

8. Applicant's use of the mark KellyVanHalen in connection with its proposed goods and services is likely to cause confusion, mistake or deception as to the source of origin of Applicant's goods and services in that the public, the trade and others are likely to believe that Applicant's goods and services are: (a) the same goods and services as Opposer's; or (b) provided by, sponsored by, approved by, licensed by, affiliated with or in some other way legitimately connected to Opposer and/or its goods, services or licensed products.

## **COUNT TWO**

9. Opposer repeats and realleges the allegations set forth in paragraphs 1 through 8 as though set forth herein.

10. Opposer's VAN HALEN trademarks and service marks are distinctive and famous and had become famous long prior to the acquisition of any rights Applicant may claim in the mark KellyVanHalen.

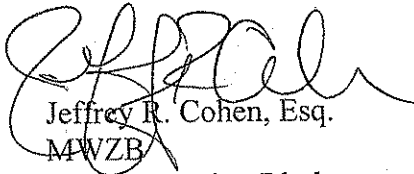
11. Use of the mark KellyVanHalen by Applicant causes dilution of the distinctive quality of Opposer's famous VAN HALEN trademarks and service marks.

13. Opposer will be damaged by the registration sought by Applicant because such registration would support and assist Applicant in use of its mark and thereby dilute Opposer's rights in its distinctive and famous VAN HALEN trademarks and service marks.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and Applicant's application to register the mark KellyVanHalen be denied in all respects.

Dated: August 6, 2010

Respectfully submitted,



Jeffrey R. Cohen, Esq.  
MWZB  
2200 Clarendon Blvd  
Suite 1400  
Arlington, VA 22201  
703 243-6333  
cohen@mwzb.com  
*Attorney for Opposer*

***Certification***

***Opposer's counsel of record certifies that this opposition and the attached exhibits were placed in first class mail postage prepaid this 6<sup>th</sup> day of August 2010 and addressed to Applicant's Correspondence Address of Record:***

**DON THORNBURGH  
DON THORNBURGH LAW CORPORATION  
466 FOOTHILL BLVD # 220  
LA CANADA FLINTRIDGE, CA 91011-3518  
Phone Number: 818-790-6547  
Fax Number: 818-790-6548**



# EXHIBITS

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-08-06 14:27:25 ET

Serial Number: 78145392 Assignment Information Trademark Document Retrieval

Registration Number: 2853393

Mark (words only): VAN HALEN

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2010-07-01

Filing Date: 2002-07-18

Transformed into a National Application: No

Registration Date: 2004-06-15

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: M60 -TMO Law Office 115

Date In Location: 2010-07-01

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. E.L.V.H., Inc.

**Address:**

E.L.V.H., Inc.  
10100 Santa Monica Blvd. Ste 1300 c/o Nigro Karlin  
Los Angeles, CA 90067  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** California

**Phone Number:** 818-973-2740

**Fax Number:** 818-273-2745

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**GOODS AND/OR SERVICES**

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**International Class:** 016**Class Status:** Active

Printed matter for publicity and promotional material, namely, posters; fold-out poster books; postcards; mounted and unmounted photographs and photographic prints; newsletters; stickers; calendars; decals and temporary tattoos; printed concert tickets; printed backstage passes; trading cards; books, trivia books, tour books, encyclopedias, comic books, picture books, magazines, all in the field of music and entertainment; tablature books; sheet music books; book covers

**Basis:** 1(a)**First Use Date:** 1978-02-03**First Use in Commerce Date:** 1978-02-03

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-07-01 - Section 8 (6-year) accepted &amp; Section 15 acknowledged

2010-07-01 - Case Assigned To Post Registration Paralegal

2010-06-15 - TEAS Section 8 &amp; 15 Received

2010-05-14 - Notice Of Suit

2006-07-26 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-07-26 - TEAS Change Of Owner Address Received

2006-06-27 - Attorney Revoked And/Or Appointed

2006-06-27 - TEAS Revoke/Appoint Attorney Received

2004-07-13 - TEAS Change Of Correspondence Received

2004-06-15 - Registered - Principal Register

2004-03-23 - Published for opposition

2004-03-03 - Notice of publication  
2004-01-20 - Approved for Pub - Principal Register (Initial exam)  
2003-12-29 - Assigned To Examiner  
2003-12-09 - Communication received from applicant  
2003-12-11 - Email Received  
2003-10-30 - Letter of suspension mailed  
2003-09-30 - Communication received from applicant  
2003-10-02 - Email Received  
2003-06-04 - Communication received from applicant  
2003-06-04 - PAPER RECEIVED  
2003-06-22 - LETTER OF SUSPENSION E-MAILED  
2003-06-10 - Case File In TIGRS  
2003-06-04 - PAPER RECEIVED  
2002-12-05 - Non-final action mailed  
2002-11-26 - Assigned To Examiner  
2002-11-19 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Jeffrey R Cohen

**Correspondent**

Jeffrey R Cohen

MWZB

Suite 1400

2200 Clarendon Blvd

Arlington VA 22201

Phone Number: 703 243-6333

Fax Number: 703 243-6410

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**For Serial Number: 78145392**

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Web interface last modified: October 18, 2008 v.2.0.2

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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-08-06 14:27:44 ET

Serial Number: 78145326 Assignment Information Trademark Document Retrieval

Registration Number: 2866540

Mark (words only): VAN HALEN

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-07-27

Filing Date: 2002-07-18

Transformed into a National Application: No

Registration Date: 2004-07-27

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2010-05-06

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. E.L.V.H., Inc.

**Address:**

E.L.V.H., Inc.

10100 Santa Monica Blvd. Ste 1300 Loring Ward, Inc.

Los Angeles, CA 90067

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** California

**Phone Number:** 818-973-2740

**Fax Number:** 818-973-2745

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**GOODS AND/OR SERVICES**

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**International Class:** 025**Class Status:** Active

Clothing namely, shorts; caps; hats; jerseys; blouses; shirts; tank-tops; T-shirts, namely long sleeve and short sleeve T-shirts; polo shirts; woven and knit shirts; thermal shirts; sweaters; jogging and warm-up suits; sweat shirts; sweat pants; sweat bands; headbands; bandanas; jeans; pants; ties; jackets; gloves; scarves; neckwear

**Basis:** 1(a)**First Use Date:** 1978-03-03**First Use in Commerce Date:** 1978-03-03

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-05-14 - Notice Of Suit

2010-05-06 - Case Assigned To Post Registration Paralegal

2010-04-26 - TEAS Section 8 &amp; 15 Received

2006-07-26 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-07-26 - TEAS Change Of Owner Address Received

2006-06-27 - Attorney Revoked And/Or Appointed

2006-06-27 - TEAS Revoke/Appoint Attorney Received

2004-07-27 - Registered - Principal Register

2004-07-13 - TEAS Change Of Correspondence Received

2004-05-04 - Published for opposition

2004-04-14 - Notice of publication

2004-03-09 - Previous Allowance Count Withdrawn

2004-01-15 - Approved for Pub - Principal Register (Initial exam)  
2004-01-02 - Assigned To Examiner  
2003-12-09 - Communication received from applicant  
2003-12-11 - Email Received  
2003-10-28 - LETTER OF SUSPENSION E-MAILED  
2003-09-30 - Communication received from applicant  
2003-10-02 - Email Received  
2003-06-04 - Communication received from applicant  
2003-06-04 - PAPER RECEIVED  
2003-06-22 - LETTER OF SUSPENSION E-MAILED  
2003-06-10 - Case File In TIGRS  
2003-06-04 - PAPER RECEIVED  
2002-12-05 - Non-final action mailed  
2002-11-26 - Assigned To Examiner  
2002-11-19 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Jeffrey R Cohen

**Correspondent**

Jeffrey R Cohen

MWZB

Suite 2200

2200 Clarendon blvd

Arlington VA 22201

Phone Number: 703 243-6333

Fax Number: 703 243-6410

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**For Serial Number: 78145326**

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Serial Number: 77020189 Assignment Information      Trademark Document Retrieval

Registration Number: 3701926

Mark



(words only): VH VAN HALEN

Standard Character claim: No

Current Status: Registered.

Date of Status: 2009-10-27

Filing Date: 2006-10-12

Transformed into a National Application: No

Registration Date: 2009-10-27

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-09-23

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LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. E.L.V.H., Inc.

Address:

E.L.V.H., Inc.  
10100 Santa Monica Blvd. c/o Nigro Karlin, Suite 1300  
Los Angeles, CA 90067  
United States  
**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** California

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**GOODS AND/OR SERVICES**

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**International Class:** 009

**Class Status:** Active

Musical sound recordings, musical video recordings

**Basis:** 1(a)

**First Use Date:** 1978-03-01

**First Use in Commerce Date:** 1078-03-01

**International Class:** 015

**Class Status:** Active

Musical instruments, musical instruments accessories, namely, guitar picks

**Basis:** 1(a)

**First Use Date:** 2007-06-01

**First Use in Commerce Date:** 2007-06-01

**International Class:** 016

**Class Status:** Active

Stickers; tablature books; sheet music books

**Basis:** 1(a)

**First Use Date:** 2005-05-30

**First Use in Commerce Date:** 2005-05-30

**International Class:** 025

**Class Status:** Active

Clothing, namely, caps; hats; T-shirts

**Basis:** 1(a)

**First Use Date:** 2007-07-07

**First Use in Commerce Date:** 2007-07-07

**International Class:** 041

**Class Status:** Active

Entertainment services, namely, live performances and appearances by a vocal and instrumental group, and live performances and appearances featuring prerecorded music by a vocal and instrumental group; fan club services; providing a website featuring entertainment information, namely, reviews, articles, interviews, music videos, music charts, personal biographies, diaries, information on music instruments, tour dates, games, trivia, access to memorabilia, photographs, video clips, and audio clips, all available via a global computer network

**Basis:** 1(a)

**First Use Date:** 2007-06-30

**First Use in Commerce Date:** 2007-06-30

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**ADDITIONAL INFORMATION**

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**Color(s) Claimed:** Color is not claimed as a feature of the mark.

**Design Search Code(s):**

03.17.01 - Wings, birds'

**Prior Registration Number(s):**

2853393

2866540

2868311

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**MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

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**PROSECUTION HISTORY**

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2009-10-27 - Registered - Principal Register

2009-09-23 - Law Office Registration Review Completed

2009-09-22 - Allowed for Registration - Principal Register (SOU accepted)

2009-08-15 - Notification Of Non-Final Action E-Mailed

2009-08-15 - NON-FINAL ACTION E-MAILED

2009-08-15 - SU - Non-Final Action - Written

2009-08-03 - Statement Of Use Processing Complete

2009-07-08 - Use Amendment Filed

2009-08-03 - Case Assigned To Intent To Use Paralegal

2009-07-08 - TEAS Statement of Use Received

2009-01-08 - Extension 2 granted

2009-01-08 - Extension 2 filed

2009-01-08 - TEAS Extension Received

2008-07-16 - Extension 1 granted

2008-07-08 - Extension 1 filed

2008-07-08 - TEAS Extension Received  
2008-03-03 - Assigned To Examiner  
2008-01-08 - NOA Mailed - SOU Required From Applicant  
2007-10-25 - Assigned To Examiner  
2007-10-16 - Published for opposition  
2007-09-26 - Notice of publication  
2007-09-06 - Withdrawn From Pub - Tqr/Non-Atty Request  
2007-08-27 - Law Office Publication Review Completed  
2007-08-27 - Assigned To LIE  
2007-07-17 - Approved For Pub - Principal Register  
2007-07-05 - Teas/Email Correspondence Entered  
2007-07-05 - Communication received from applicant  
2007-07-05 - TEAS Response to Office Action Received  
2007-01-04 - Examiner's Amendment/Priority Action E-Mailed  
2007-01-04 - Examiners Amendment And/Or Priority Action - Completed  
2007-01-03 - Assigned To Examiner  
2006-10-18 - Notice Of Design Search Code Mailed  
2006-10-17 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Jeff Cohen

**Correspondent**

JEFF COHEN

MILLEN WHITE ZELANO &amp; BRANIGAN

2200 CLARENDON BLVD

STE 1400

ARLINGTON, VA 22201-3331

Phone Number: 703 243-6333

Fax Number: 703 243-6410

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**For Serial Number: 77020189**

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Web interface last modified: October 18, 2008 v.2.0.2

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This page was generated by the TARR system on 2010-08-06 14:28:31 ET

Serial Number: 76344683 Assignment Information Trademark Document Retrieval

Registration Number: 2868311

Mark (words only): VAN HALEN

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-08-03

Filing Date: 2001-12-04

Transformed into a National Application: No

Registration Date: 2004-08-03

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-08-09

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. E.L.V.H., Inc.

**Address:**

E.L.V.H., Inc.  
10100 Santa Monica Blvd. Ste 1300 Loring Ward, Inc.  
Los Angeles, CA 90067  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** California

---

#### GOODS AND/OR SERVICES

---



**International Class:** 041

**Class Status:** Active

Entertainment services, namely live performances and appearances, and live performances and appearances featuring prerecorded music by a vocal and instrumental group; fan club services; providing a website featuring entertainment information, namely reviews, articles, interviews, music videos, music charts, personal biographies, diaries, information on music instruments, tour dates, games, trivia, access to memorabilia, photographs, video clips, and audio clips, all available via a global computer network

**Basis:** 1(a)

**First Use Date:** 1974-09-09

**First Use in Commerce Date:** 1978-03-03

---

#### ADDITIONAL INFORMATION

---

(NOT AVAILABLE)

---

#### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

#### PROSECUTION HISTORY

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2010-08-03 - TEAS Section 8 & 15 Received

2010-05-14 - Notice Of Suit

2006-07-26 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-07-26 - TEAS Change Of Owner Address Received

2006-06-27 - Attorney Revoked And/Or Appointed

2006-06-27 - TEAS Revoke/Appoint Attorney Received

2004-08-03 - Registered - Principal Register

2004-07-13 - TEAS Change Of Correspondence Received

2004-05-11 - Published for opposition

2004-04-21 - Notice of publication

2004-03-08 - Approved for Pub - Principal Register (Initial exam)

2004-02-11 - Communication received from applicant

2004-02-11 - Email Received  
2004-02-03 - Non-final action mailed  
2003-12-09 - Communication received from applicant  
2003-12-11 - Email Received  
2003-11-18 - Assigned To Examiner  
2003-09-30 - Communication received from applicant  
2003-10-15 - Case File In TIGRS  
2003-10-02 - Email Received  
2002-10-10 - Letter of suspension mailed  
2002-09-23 - Communication received from applicant  
2002-09-23 - PAPER RECEIVED  
2002-03-25 - Non-final action mailed  
2002-03-11 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Jeffrey R. Cohen, Esquire

**Correspondent**

Jeffrey R. Cohen, Esquire  
Millen, White, Zelano & Branigan, P.C.  
2200 Clarendon Blvd., Ste 1400  
Arlington VA 22201  
Phone Number: 703-243-6333  
Fax Number: 703-243-6410

**Domestic Representative**

Jeffrey R. Cohen, Esquire  
Phone Number: 703-243-6333  
Fax Number: 703-243-6410

---



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**No assignment has been recorded at the USPTO**

**For Serial Number: 76344683**

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.  
Web interface last modified: October 18, 2008 v.2.0.2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 77919645  
Published in the *Official Gazette* on June 8, 2010

---

ELVH, Inc.	Application Serial No.: 77919645
Opposer,	Mark: KellyVanHalen
- against -	
Kelly Van Halen ,	
Applicant.	Publication Date: June 8, 2010

---

**NOTICE OF OPPOSITION**

ELVH, Inc. ("Opposer"), the owner of the world famous Van Halen trademarks and opposes the grant of the application of Kelly Van Halen ("Applicant") to register the mark "KellyVanHalen" for:

Class 37: Building construction; Construction management; Construction of environmentally responsible residential real property; Custom construction and building renovation; Housing services, namely, repair, improvement, and construction of residential real property; Installation and maintenance of solar thermal installations; Residential and building construction consulting

Class 42: Design of specialty interior and exterior environment settings; Interior design services; Interior design services including space planning, furniture selection, material and surface selection

**COUNT ONE**

1. Since 1978, Opposer has continuously used the mark Van Halen in interstate commerce for a wide variety of goods and services.

2. Opposer is the owner of the following federal trademark registrations<sup>1</sup>:

A) VAN HALEN for "printed matter for publicity and promotional material, namely, posters; fold-out poster books; postcards; mounted and unmounted photographs and photographic prints; newsletters; stickers; calendars; decals and temporary tattoos; printed concert tickets; printed

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<sup>1</sup> The attached exhibits are TARR printouts for all 4 registrations identified herein as well as the applicable assignment info for each one. The attached exhibits are therefore made of record.

music and entertainment; tablature books; sheet music books; book covers” in Int’l Class 16. Fed Reg. No. 2853393 registered on the Principal Register on June 15, 2004, with dates of use since February 3<sup>rd</sup> 1978, and

B) VAN HALEN for “clothing namely, shorts; caps; hats; jerseys; blouses; shirts; tank-tops; T-shirts, namely long sleeve and short sleeve T-shirts; polo shirts; woven and knit shirts; thermal shirts; sweaters; jogging and warm-up suits; sweat shirts; sweat pants; sweat bands; headbands; bandanas; jeans; pants; ties; jackets; gloves; scarves; neckwear” in Int’l Class 25. Fed. Reg No. 2866540 registered on the Principal Register on July 27, 2004 with dates of use since March 3<sup>rd</sup> 1978, and

C) VAN HALEN & Design for “musical sound recordings, musical video recordings” in Int’l Class 9 with dates of use since March 1, 1978; “musical instruments, musical instruments accessories, namely, guitar picks” in Int’l Class 15 with dates of use since June 1, 2007; “stickers; tablature books; sheet music books” in Int’l Class 16 with dates of use since May 30, 2005; “clothing, namely caps, hats, t-shirts in Int’l Class 25 with dates of use since July 7, 2007; “entertainment services, namely, live performances and appearances by a vocal and instrumental group, and live performances and appearances featuring prerecorded music by a vocal and instrumental group; fan club services; providing a website featuring entertainment information, namely, reviews, articles, interviews, music videos, music charts, personal biographies, diaries, information on music instruments, tour dates, games, trivia, access to memorabilia, photographs, video clips, and audio clips, all available via a global computer network” in Int’l Class 41 Fed Reg. No. 3701926 with dates of use since June 30, 2007, and

D) VAN HALEN for “entertainment services, namely live performances and appearances, and live performances and appearances featuring prerecorded music by a vocal and instrumental group; fan club services; providing a website featuring entertainment information, namely reviews, articles, interviews, music videos, music charts, personal biographies, diaries, information on music instruments, tour dates, games, trivia, access to memorabilia, photographs, video clips, and audio clips, all available via a global computer network” in Int’l Class 41 Fed Reg. No. 2868311 with dates of use since March 3, 1978.

3. Opposer and its licensees have used the trademarks and service marks in connection with the sale and provision of a variety of goods and services in United States commerce for many years.

4. As a result of the widespread use in interstate commerce by the Opposer and its licensees of the aforesaid VAN HALEN trademarks in connection with a wide variety of goods and services, the marks have acquired extensive goodwill, have developed a high degree of distinctiveness and

extensive goodwill, have developed a high degree of distinctiveness and are well known and recognized as identifying high quality goods and services which have their origin with or have been authorized by the Opposer.

5. Upon information and belief, Applicant has made no use or very limited use of the mark as a trademark in the United States.

6. Applicant's mark KellyVanHalen is confusingly similar to Opposer's Van Halen trademarks and service marks in sound, appearance and commercial impression.

7. Applicant's goods are related to the goods and Services sold and provided in connection with Opposer's KellyVanHalen trademarks and/or represent a natural zone of expansion for Opposer and such goods and Services would travel and/or be promoted through the same channels of trade for sale to, and use by, the same class of purchasers.

8. Applicant's use of the mark KellyVanHalen in connection with its proposed goods and services is likely to cause confusion, mistake or deception as to the source of origin of Applicant's goods and services in that the public, the trade and others are likely to believe that Applicant's goods and services are: (a) the same goods and services as Opposer's; or (b) provided by, sponsored by, approved by, licensed by, affiliated with or in some other way legitimately connected to Opposer and/or its goods, services or licensed products.

## COUNT TWO

9. Opposer repeats and realleges the allegations set forth in paragraphs 1 through 8 as though set forth herein.

10. Opposer's VAN HALEN trademarks and service marks are distinctive and famous and had become famous long prior to the acquisition of any rights Applicant may claim in the mark KellyVanHalen.

11. Use of the mark KellyVanHalen by Applicant causes dilution of the distinctive quality of Opposer's famous VAN HALEN trademarks and service marks.

13. Opposer will be damaged by the registration sought by Applicant because such registration would support and assist Applicant in use of its

mark and thereby dilute Opposer's rights in its distinctive and famous VAN HALEN trademarks and service marks.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and Applicant's application to register the mark KellyVanHalen be denied in all respects.

Dated: August 6, 2010

Respectfully submitted,

  
Jeffrey R. Cohen, Esq.

MWZB

2200 Clarendon Blvd

Suite 1400

Arlington, VA 22201

703 243-6333

cohen@mwzb.com

Attorney for Opposer

*Certification*

*Opposer's counsel of record certifies that this opposition and the attached exhibits were placed in first class mail postage prepaid this 6<sup>th</sup> day of August 2010 and addressed to Applicant's Correspondence Address of Record:*

**DON THORNBURGH  
DON THORNBURGH LAW CORPORATION  
466 FOOTHILL BLVD # 220  
LA CANADA FLINTRIDGE, CA 91011-3518  
Phone Number: 818-790-6547  
Fax Number: 818-790-6548**

# EXHIBITS



Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-08-06 14:27:25 ET

Serial Number: 78145392 Assignment Information Trademark Document Retrieval

Registration Number: 2853393

Mark (words only): VAN HALEN

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2010-07-01

Filing Date: 2002-07-18

Transformed into a National Application: No

Registration Date: 2004-06-15

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: M60 -TMO Law Office 115

Date In Location: 2010-07-01

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. E.L.V.H., Inc.

**Address:**

E.L.V.H., Inc.  
10100 Santa Monica Blvd. Ste 1300 c/o Nigro Karlin  
Los Angeles, CA 90067  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** California

**Phone Number:** 818-973-2740

**Fax Number:** 818-273-2745

---

---

**GOODS AND/OR SERVICES**

---

**International Class:** 016**Class Status:** Active

Printed matter for publicity and promotional material, namely, posters; fold-out poster books; postcards; mounted and unmounted photographs and photographic prints; newsletters; stickers; calendars; decals and temporary tattoos; printed concert tickets; printed backstage passes; trading cards; books, trivia books, tour books, encyclopedias, comic books, picture books, magazines, all in the field of music and entertainment; tablature books; sheet music books; book covers

**Basis:** 1(a)**First Use Date:** 1978-02-03**First Use in Commerce Date:** 1978-02-03

---

**ADDITIONAL INFORMATION**

---

(NOT AVAILABLE)

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-07-01 - Section 8 (6-year) accepted &amp; Section 15 acknowledged

2010-07-01 - Case Assigned To Post Registration Paralegal

2010-06-15 - TEAS Section 8 &amp; 15 Received

2010-05-14 - Notice Of Suit

2006-07-26 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-07-26 - TEAS Change Of Owner Address Received

2006-06-27 - Attorney Revoked And/Or Appointed

2006-06-27 - TEAS Revoke/Appoint Attorney Received

2004-07-13 - TEAS Change Of Correspondence Received

2004-06-15 - Registered - Principal Register

2004-03-23 - Published for opposition

2004-03-03 - Notice of publication  
2004-01-20 - Approved for Pub - Principal Register (Initial exam)  
2003-12-29 - Assigned To Examiner  
2003-12-09 - Communication received from applicant  
2003-12-11 - Email Received  
2003-10-30 - Letter of suspension mailed  
2003-09-30 - Communication received from applicant  
2003-10-02 - Email Received  
2003-06-04 - Communication received from applicant  
2003-06-04 - PAPER RECEIVED  
2003-06-22 - LETTER OF SUSPENSION E-MAILED  
2003-06-10 - Case File In TICRS  
2003-06-04 - PAPER RECEIVED  
2002-12-05 - Non-final action mailed  
2002-11-26 - Assigned To Examiner  
2002-11-19 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Jeffrey R Cohen

**Correspondent**

Jeffrey R Cohen

MWZB

Suite 1400

2200 Clarendon Blvd

Arlington VA 22201

Phone Number: 703 243-6333

Fax Number: 703 243-6410

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Serial Number: 78145326 Assignment Information Trademark Document Retrieval

Registration Number: 2866540

Mark (words only): VAN HALEN

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-07-27

Filing Date: 2002-07-18

Transformed into a National Application: No

Registration Date: 2004-07-27

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2010-05-06

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. E.L.V.H., Inc.

**Address:**

E.L.V.H., Inc.  
10100 Santa Monica Blvd. Ste 1300 Loring Ward, Inc.  
Los Angeles, CA 90067  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** California

**Phone Number:** 818-973-2740

**Fax Number:** 818-973-2745

---

---

**GOODS AND/OR SERVICES**

---

**International Class:** 025**Class Status:** Active

Clothing namely, shorts; caps; hats; jerseys; blouses; shirts; tank-tops; T-shirts, namely long sleeve and short sleeve T-shirts; polo shirts; woven and knit shirts; thermal shirts; sweaters; jogging and warm-up suits; sweat shirts; sweat pants; sweat bands; headbands; bandanas; jeans; pants; ties; jackets; gloves; scarves; neckwear

**Basis:** 1(a)**First Use Date:** 1978-03-03**First Use in Commerce Date:** 1978-03-03

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

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**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-05-14 - Notice Of Suit

2010-05-06 - Case Assigned To Post Registration Paralegal

2010-04-26 - TEAS Section 8 &amp; 15 Received

2006-07-26 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-07-26 - TEAS Change Of Owner Address Received

2006-06-27 - Attorney Revoked And/Or Appointed

2006-06-27 - TEAS Revoke/Appoint Attorney Received

2004-07-27 - Registered - Principal Register

2004-07-13 - TEAS Change Of Correspondence Received

2004-05-04 - Published for opposition

2004-04-14 - Notice of publication

2004-03-09 - Previous Allowance Count Withdrawn

2004-01-15 - Approved for Pub - Principal Register (Initial exam)

2004-01-02 - Assigned To Examiner

2003-12-09 - Communication received from applicant

2003-12-11 - Email Received

2003-10-28 - LETTER OF SUSPENSION E-MAILED

2003-09-30 - Communication received from applicant

2003-10-02 - Email Received

2003-06-04 - Communication received from applicant

2003-06-04 - PAPER RECEIVED

2003-06-22 - LETTER OF SUSPENSION E-MAILED

2003-06-10 - Case File In TICRS

2003-06-04 - PAPER RECEIVED

2002-12-05 - Non-final action mailed

2002-11-26 - Assigned To Examiner

2002-11-19 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Jeffrey R Cohen

**Correspondent**

Jeffrey R Cohen

MWZB

Suite 2200

2200 Clarendon blvd

Arlington VA 22201

Phone Number: 703 243-6333

Fax Number: 703 243-6410

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**For Serial Number: 78145326**

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Web interface last modified: October 18, 2008 v.2.0.2

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Serial Number: 77020189 Assignment Information Trademark Document Retrieval

Registration Number: 3701926

Mark



(words only): VH VAN HALEN

Standard Character claim: No

Current Status: Registered.

Date of Status: 2009-10-27

Filing Date: 2006-10-12

Transformed into a National Application: No

Registration Date: 2009-10-27

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-09-23

---

LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. E.L.V.H., Inc.

Address:

Latest Status Info

E.L.V.H., Inc.  
10100 Santa Monica Blvd. c/o Nigro Karlin, Suite 1300  
Los Angeles, CA 90067  
United States  
**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** California

---

**GOODS AND/OR SERVICES**

---

**International Class:** 009  
**Class Status:** Active  
Musical sound recordings, musical video recordings  
**Basis:** 1(a)  
**First Use Date:** 1978-03-01  
**First Use in Commerce Date:** 1078-03-01

**International Class:** 015  
**Class Status:** Active  
Musical instruments, musical instruments accessories, namely, guitar picks  
**Basis:** 1(a)  
**First Use Date:** 2007-06-01  
**First Use in Commerce Date:** 2007-06-01

**International Class:** 016  
**Class Status:** Active  
Stickers; tablature books; sheet music books  
**Basis:** 1(a)  
**First Use Date:** 2005-05-30  
**First Use in Commerce Date:** 2005-05-30

**International Class:** 025  
**Class Status:** Active  
Clothing, namely, caps; hats; T-shirts  
**Basis:** 1(a)  
**First Use Date:** 2007-07-07  
**First Use in Commerce Date:** 2007-07-07

**International Class:** 041  
**Class Status:** Active  
Entertainment services, namely, live performances and appearances by a vocal and instrumental group, and live performances and appearances featuring prerecorded music by a vocal and instrumental group; fan club services; providing a website featuring entertainment information, namely, reviews, articles, interviews, music videos, music charts, personal biographies, diaries, information on music instruments, tour dates, games, trivia, access to memorabilia, photographs, video clips, and audio clips, all available via a global computer network  
**Basis:** 1(a)  
**First Use Date:** 2007-06-30  
**First Use in Commerce Date:** 2007-06-30

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**ADDITIONAL INFORMATION**

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**Color(s) Claimed:** Color is not claimed as a feature of the mark.

**Design Search Code(s):**  
03.17.01 - Wings, birds'

**Prior Registration Number(s):**  
2853393  
2866540  
2868311

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**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

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**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-10-27 - Registered - Principal Register

2009-09-23 - Law Office Registration Review Completed

2009-09-22 - Allowed for Registration - Principal Register (SOU accepted)

2009-08-15 - Notification Of Non-Final Action E-Mailed

2009-08-15 - NON-FINAL ACTION E-MAILED

2009-08-15 - SU - Non-Final Action - Written

2009-08-03 - Statement Of Use Processing Complete.

2009-07-08 - Use Amendment Filed

2009-08-03 - Case Assigned To Intent To Use Paralegal

2009-07-08 - TEAS Statement of Use Received

2009-01-08 - Extension 2 granted

2009-01-08 - Extension 2 filed

2009-01-08 - TEAS Extension Received

2008-07-16 - Extension 1 granted

2008-07-08 - Extension 1 filed

2008-07-08 - TEAS Extension Received

2008-03-03 - Assigned To Examiner

2008-01-08 - NOA Mailed - SOU Required From Applicant

2007-10-25 - Assigned To Examiner

2007-10-16 - Published for opposition

2007-09-26 - Notice of publication

2007-09-06 - Withdrawn From Pub - Tqr/Non-Atty Request

2007-08-27 - Law Office Publication Review Completed

2007-08-27 - Assigned To LIE

2007-07-17 - Approved For Pub - Principal Register

2007-07-05 - Teas/Email Correspondence Entered

2007-07-05 - Communication received from applicant

2007-07-05 - TEAS Response to Office Action Received

2007-01-04 - Examiner's Amendment/Priority Action E-Mailed

2007-01-04 - Examiners Amendment And/Or Priority Action - Completed

2007-01-03 - Assigned To Examiner

2006-10-18 - Notice Of Design Search Code Mailed

2006-10-17 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**  
 Jeff Cohen

**Correspondent**  
 JEFF COHEN  
 MILLEN WHITE ZELANO & BRANIGAN  
 2200 CLARENDON BLVD  
 STE 1400  
 ARLINGTON, VA 22201-3331  
 Phone Number: 703 243-6333

Fax Number: 703 243-6410

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**For Serial Number: 77020189**

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Web interface last modified: October 18, 2008 v.2.0.2

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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-08-06 14:28:31 ET

Serial Number: 76344683 Assignment Information Trademark Document Retrieval

Registration Number: 2868311

Mark (words only): VAN HALEN

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-08-03

Filing Date: 2001-12-04

Transformed into a National Application: No

Registration Date: 2004-08-03

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-08-09

---

LAST APPLICANT(S)/OWNER(S) OF RECORD

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1. E.L.V.H., Inc.

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E.L.V.H., Inc.  
10100 Santa Monica Blvd. Ste 1300 Loring Ward, Inc.  
Los Angeles, CA 90067  
United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

---

GOODS AND/OR SERVICES

---

**International Class:** 041

**Class Status:** Active

Entertainment services, namely live performances and appearances, and live performances and appearances featuring prerecorded music by a vocal and instrumental group; fan club services; providing a website featuring entertainment information, namely reviews, articles, interviews, music videos, music charts, personal biographies, diaries, information on music instruments, tour dates, games, trivia, access to memorabilia, photographs, video clips, and audio clips, all available via a global computer network

**Basis:** 1(a)

**First Use Date:** 1974-09-09

**First Use in Commerce Date:** 1978-03-03

---

#### ADDITIONAL INFORMATION

---

(NOT AVAILABLE)

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#### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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#### PROSECUTION HISTORY

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-08-03 - TEAS Section 8 & 15 Received

2010-05-14 - Notice Of Suit

2006-07-26 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-07-26 - TEAS Change Of Owner Address Received

2006-06-27 - Attorney Revoked And/Or Appointed

2006-06-27 - TEAS Revoke/Appoint Attorney Received

2004-08-03 - Registered - Principal Register

2004-07-13 - TEAS Change Of Correspondence Received

2004-05-11 - Published for opposition

2004-04-21 - Notice of publication

2004-03-08 - Approved for Pub - Principal Register (Initial exam)

2004-02-11 - Communication received from applicant



2004-02-11 - Email Received  
2004-02-03 - Non-final action mailed  
2003-12-09 - Communication received from applicant  
2003-12-11 - Email Received  
2003-11-18 - Assigned To Examiner  
2003-09-30 - Communication received from applicant  
2003-10-15 - Case File In TICRS  
2003-10-02 - Email Received  
2002-10-10 - Letter of suspension mailed  
2002-09-23 - Communication received from applicant  
2002-09-23 - PAPER RECEIVED  
2002-03-25 - Non-final action mailed  
2002-03-11 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**No assignment has been recorded at the USPTO**

**For Serial Number: 76344683**

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